

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NO. 1:16-CV-00243-RLV**

STEWART WAYNE OWENBY,)
)
)
Plaintiff,)
)
)
v.)
)
)
NANCY A. BERRYHILL,)
Acting Commissioner of Social Security,)
)
)
Defendant.)
)

ORDER

THIS MATTER IS BEFORE THE COURT on Plaintiff Stewart Wayne Owenby's Motion for Reconsideration or, in the alternative, to Modify the Court's Scheduling Order (the "Motion"). (Doc. 23). The Commissioner has filed a response. (Doc. 24). Having considered the Motion and the Commissioner's response, the Court concludes that equity and the interests of justice favor permitting Plaintiff the opportunity to submit a new motion for summary judgment, as well as an amended supporting memorandum that fully complies with this Court's Social Security Briefing Order, (Case No. 3:13-mc-198-FDW; Doc. 1). Plaintiff shall have up to and including August 4, 2017 to file his new motion for summary judgment and supporting memorandum. The Commissioner, in turn, shall have up to and including October 3, 2017 to file a new motion for summary judgment and supporting memorandum or to file a supplement to her existing motion for summary judgment and supporting memorandum.¹

¹ To avoid further delay in this matter, if the Commissioner, after reviewing Plaintiff's new submissions, decides to stand on her existing submissions, (*see* Doc. 24; *see also* Docs. 18-19), rather than file a new motion for summary judgment or a supplement to her existing motion, she shall promptly advise the Court of such so that the Court may recommence its review of this matter before October 3, 2017.

SO ORDERED.

Signed: July 13, 2017



Richard L. Voorhees
United States District Judge

